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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 WILLIAM CLARK,

10 *Plaintiff,*

11 vs.

12 GREGORY COX, *et al.*

13 *Defendants.*
14

2:12-cv-01265-APG-NJK

ORDER

15 The Court not having been advised that the case has been resolved during the stay,
16 this prisoner civil rights action shall proceed forward.

17 **IT THEREFORE IS ORDERED:**

18 1. That, upon the Court's finding that plaintiff is unable to pay a substantial initial
19 partial filing fee, the application (#5) to proceed *in forma pauperis* is GRANTED, subject to the
20 remaining provisions herein. Plaintiff shall not be required to pay an initial partial filing fee.
21 However, even if this action is dismissed, the full \$350.00 filing fee still must be paid pursuant
22 to 28 U.S.C. § 1915(b)(2).

23 2. That plaintiff is permitted to maintain this action to a conclusion without the
24 necessity of prepayment of any additional fees or costs or the giving of security therefor. This
25 order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at
26 government expense.

27 3. That, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections
28 shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the

1 preceding month's deposits to plaintiff's account (in the months that the account exceeds
2 \$10.00) until the full \$350 filing fee has been paid for this action. The Clerk shall **SEND** a
3 copy of this order to the Finance Division of the Clerk's Office. The Clerk shall also **SEND** a
4 copy of this order to the attention of the **Chief of Inmate Services for the Nevada**
5 **Department of Corrections, P.O. Box 7011, Carson City, NV 89702.**

6 4. That the stay previously entered herein is lifted and that, within twenty-one (21)
7 days of entry of this order, the Attorney General's Office shall file a notice advising the Court
8 and plaintiff of: (a) the names of the defendant(s) for whom it accepts service; (b) the names
9 of the defendant(s) for whom it does not accept service, and (c) the names of the
10 defendant(s) for whom it is filing last-known-address information under seal. As to any of the
11 named defendant(s) for whom the Attorney General's Office cannot accept service, the Office
12 shall file, under seal, the last known address(es) of those defendant(s) for whom it has such
13 information.

14 5. If service cannot be accepted for any of the named defendant(s), plaintiff shall
15 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
16 specifying a full name for the defendant(s). For the defendant(s) as to which the Attorney
17 General has not provided last-known-address information, plaintiff shall provide the full name
18 and address for the defendant(s).

19 6. If the Attorney General accepts service of process for any named defendant(s),
20 such defendant(s) shall file and serve an answer or other response to the remaining claims
21 within sixty (60) days from the date of this order.

22 7. That, henceforth, plaintiff shall serve upon defendants' counsel a copy of every
23 pleading, motion or other document submitted for consideration by the Court and shall attach
24 a certificate of such service with the paper submitted. Plaintiff shall direct service to the
25 individual attorney named in the notice of appearance, at the address stated therein. The
26 Court may disregard any paper received by a judge that has not been filed with the Clerk and
27 any paper which fails to include a certificate showing proper service.

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1 8. That the Attorney General shall file the report required by the Court's prior order
2 (#9, at 3, para. 2) within twenty-one (21) days of this order.

3 DATED: September 30, 2013

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7 ANDREW P. GORDON
8 United States District Judge
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